REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on March 25, 2004.

Claims 13 – 24 are pending. Claims 1 – 12 have been canceled. New claims 13 – 24 have been added. Support for the new claims is located in the original specification as filed, for example claims 1 – 12. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 2 and 12 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,388,556, Imai et al. ("Imai"), or alternatively, as being unpatentable over Imai in view of JP 2003-106912, Totokawa et al. ("Totokawa"). Claims 3 – 11 were rejected under 35 USC 103(a) as unpatentable over Imai in view of Totokawa. Claims 1 – 4, 7 – 9 and 11 – 12 were rejected as being unpatentable over Imai in view of U.S. Patent No. 5,989,700, Krivopal ("Krivopal"). Insofar as the rejection may be applied to claims 13 – 24, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

Independent claims 13, 19 and 24 recite in combination, for example, "a binder resin having an elasticity modulus in a range between 10 and 1000Mpa;" "coating each of a plurality of electrical conductive particles with a polymer;" and "adding the coated particles into the binder resin so that the coated particles are dispersed in the binder resin."

As illustrated in FIG. 3B, when the applied pressure is increased in a range from 1 to 20 kPa, the contact state of the coated film is changed based on the applied pressure, and also the resistance is changed due to the contact state of the coated films. Thus, the resistance variation rate is increased by both the resistance due to the displacement of the coated film and the resistance due to the true contact of the electrical conductive particles. Thereby, a low pressure in a range from 1 to 20 kPa can be accurately detected.

To properly reject a claimed invention, the examiner must establish a *prima* facie case of obviousness. To establish a *prima facie* case of obviousness with respect to a claimed invention, all the claim limitations must be taught or suggested by the prior art reference (or references when combined). *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Furthermore, the teaching or suggestion to make the claimed combination and a reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The examiner bears the burden of establishing this *prima facie* case. In re Deuel, 34 U.S.P.Q.2d 1210, 1214 (Fed. Cir. 1995). The applicant for patent may then attack the *prima facie* case as improperly made out, or present objective evidence tending to support a conclusion of nonobviousness. In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992).

Where the examiner fails to establish a *prima facie* case of obviousness, the applicant has no burden to rebut the rejection of obviousness with evidence. In re Rijckaert, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993). If the examination at the initial stage does not produce a *prima facie*

case of unpatentability, then without more the applicant is entitled to grant of patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

The applicants provide herein a selection of some examples of limitations in the claims which are neither taught nor suggested by Imai. For example, Imai fails to teach the coating before the electrical conductive particles are dispersed into the binder resin. Specifically, Imai fails to teach or suggest "coating each of a plurality of electrical conductive particles with a polymer; and adding the coated particles into the binder resin so that the coated particles are dispersed in the binder resin." (See claims 13, 19 and 24.) In Imai, the resistance change due to the coating resistance is not effectively generated. That is, Imai does not generate a resistance change due to the boundary film (coated film). It is therefore difficult to detect the pressure in the range from 1 to 20 kPa when the binder resin has an elasticity modulus in a range between 10 and 1000MPa.

Recognizing that Imai may fail to teach and/or suggest the invention as claimed, Totokawa is cited in the alternative as disclosing using a resin to coat the particles in a pressure sensor in order to obtain a broad range of sensitivity. The Office Action argues in the alternative that "the binder and resin are different, it would have been obvious to coat the particles with a separate polymer where Totokawa discloses using a resin to coat the particles in a pressure sensor ..." (Office Action, ¶ 2). It is noted that the publication date of Totokawa of April 9, 2003 is later than the priority date, March 25, 2003, of the present application. A verified translation of Totokawa is submitted herewith, as requested in the office action. A certified copy of the priority document was filed with the original application.[1] Totokawa therefore fails to remedy the deficiencies of Imai.

[1] Footnote 1 of the office action contains various assertions and interpretations about the significance of a document mentioned in the "related art" section of the application, i.e., Totokawa. The "Related Art" section can include

Furthermore, Krivopal fails to remedy the deficiencies of Imai. Specifically, Krivopal fails to teach or suggest the above-described coating before the dispersion in the binder resin.

Hence, the references of record, alone or in combination, fail to teach or suggest the combination of features recited in independent claims 13, 19 and 24, when considered as a whole.

With respect to the dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 13 and 19, but also because of additional features they recite in combination.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

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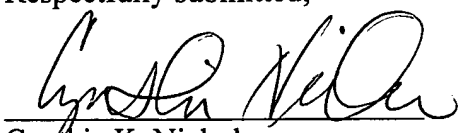
pararagraph(s) describing other information known to the applicant. Note that Totokawa is assigned to Denso, also the assignee of the present application. The office action requires applicant to admit that the document is prior art. This requirement is respectfully traversed, because the examiner is required to initially present the case of obviousness or anticipation, after which the applicant can provide a rebuttal.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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